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1 TRANSCRIPT OF PROCEEDINGS

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3 CELOTEX CORP.

4 SUPERFUND SITE PUBLIC MEETING

5 U.S. EPA CONTRACT NO.: 68-W7-0026

6 WORK ASSIGNMENT NO.: 231-CRCR-05ZZ

7 DOCUMENT CONTROL NO.: RFW231-2B-ARPY

8 West Side Technical Institute
9 2800 South Western Avenue
Chicago, Illinois

10

11 HELD ON:
November 9, 2004
12 7:00 o'clock p.m.

13 PRESENT:

14 Mr. Joe Munoz, EPA Region 5, Coordinator

15 Mr. Tom Williams, EPA Region 5, Manager

16 Mr. Ken Lyko, Bennett Environmental, Inc.

17 Alderman George Cardenas, City of Chicago

18 Ms. Carina Sanchez, State Rep. S. Mendoza's
19 Office

20 Mr. Don Deblasio, EPA Region 5

21 Mr. Mark J. Walsh, City of Chicago

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1 (Whereupon, the proceedings began

Page 1

119041a
at 7:15 p.m.)

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3 MR. MUNOZ: Good evening. I'm Joe Munoz, I'm the
4 Community Involvement Coordinator with the United States
5 EPA, and we're here tonight to talk about the proposed
6 plan, the cleanup plan, and the Celotex plan, the
7 remainder (phonetic) of the cleanup.

8

Let me just go real quick over the agenda.
9 The proposed plan presentation is going to be done by
10 Tom Williams, who is the remedial budget manager. And
11 after he finishes doing the presentation, then we are
12 going to have some -- the public hearing, where if you
13 have any comments about the plan, you can submit it either
14 by writing or either -- you can do it orally as well.

15 But if you're going to speak, then you need
16 to state your name clearly, because this is being
17 recorded. Here is Tom.

18 MR. WILLIAMS: Thanks, Joe.

19

First of all, thanks for coming tonight.
20 This (indicating) is the Celotex site. This (indicating)
21 is the main plant area that operated from the early 1900s
22 until approximately the mid 1980s.

23

what they did there was produce roofing
24 materials. Roofing materials have, as a result of the

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1 heating of the tar, they produce polynuclear aromatic
2 hydrocarbons, and some of them are cancer-causing, in
3 particular, benzopyrene and some of its equivalents.

4

As part of this investigation, we did an

5 engineering evaluation of cost analysis for the main site.
6 There were a number of boreholes that were drilled into
7 the site. We found extensive contamination of the
8 polynuclear aromatic hydrocarbons, and to shorten that up,
9 I'll call them PAHs.

10 Not only was the -- is this the main site
11 contaminated with the PAHs, so are some of the local
12 neighborhoods. Some are to a larger extent than others.

13 For example, in this area here (indicating)
14 where the direction of the wind rose, the area of the wind
15 blows for the most part, that causes -- that has caused
16 move heavy contamination, especially in the residences
17 that are closest to the site, and some that are further
18 away.

19 Same thing for this area (indicating) and
20 this (indicating) area as well. And I'll get into that
21 after we go through the alternatives for both the main
22 site and the residential area.

23 For the main site, we looked at four
24 alternatives. One was a "no action," which we do all the

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1 time, to evaluate the no action with regard to the other
2 alternatives that were presented.

3 The second alternative that we looked at
4 was to have a gray -- or a clay cover with soil on top of
5 that, which would have sod, and it would be a permanent
6 impermeable clay/soil cover.

7 The other thing would be, as part of that

119041a

8 remedy, would be to install a gravel cover, which would
9 have more durability, and have slightly less costs. And
10 then I'll get into more details of this later.

11 The other two alternatives were
12 installation of an impermeable asphalt cover, the cost of
13 that was approximately \$5.6 million. And then
14 installation of a permeable three-foot clay cover, along
15 with eliminating some contaminations of the site.

16 Hold on just a minute here, just in case
17 these guys are here for the presentation.

18 (whereupon, an interruption
19 occurred.)

20 MR. MUNOZ: I just wanted to acknowledge this is
21 Alderman George Cardenas, of the 12th ward,
22 C-a-r-d-e-n-a-s.

23 THE COURT REPORTER: Cardenas.

24 MR. MUNOZ: All right.

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1 MR. WILLIAMS: Okay.

2 Again, this (indicating) is the main site
3 that operated from approximately 1910 until the mid 1980s,
4 in which they made roofing products. As a result of that
5 operation, they released contamination to the site, which
6 are known as polynuclear aromatic hydrocarbons.

7 Some of those -- and for short we call them
8 PAHs, but some of those, specifically benzopyrene, causes
9 cancer. Some of the other ones have less effective
10 cancer-causing components, but they do cause cancer.

11 As part of the investigation, we did an
12 environmental engineering evaluation cost
13 assessment -- cost analysis. And we drilled a number of
14 borings, and we found the extent of the contamination on
15 the Sacramento or our Celotex site, was extremely
16 extensive, it went as deep as, I think, 25, 30 feet. And
17 any type of major removal of the entire site would have
18 been very expensive. As a result of that, we evaluated
19 mainly capping alternatives, along with some hot-spot
20 removal.

21 The first alternative we looked at is the
22 no-action alternative, which we do to evaluate how that
23 compares to simply doing no action as opposed to
24 performing a remedial action. That, of course, cost us

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1 zero.

2 The second alternative we looked at was
3 putting clay, two feet -- a foot and a half of clay, along
4 with six inches of soil covering and then capping at the
5 side.

6 In terms of its effectiveness, it certainly
7 provides a cover so long as it's not well maintained. It
8 just doesn't have the durability that some other harder
9 material has, such as gravel, which is the second
10 alternative that was looked as a subset to this.

11 And gravel was evaluated and found to be
12 very effective in terms of being durable, and it was also
13 effective in eliminating direct contact of contamination,

119041a
14 as well as clearly keeping contamination from blowing off
15 the site as fugitive dust.

16 The third alternative we looked at was
17 installation of impermeable asphalt cap, which was
18 approximately \$5.6 million. Asphalt caps are good in
19 terms of the same thing. Although they tend to have more
20 maintenance than say a gravel cap. And they do, again,
21 have a continuous drawing problem, graphing (phonetic),
22 and that type of thing.

23 The last alternative we looked at was
24 putting a three-foot clay cover, along with some

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1 eliminated of the various hot spots of the highest
2 contamination, and that came to approximately 48.6
3 million.

4 One of the things that came up while we
5 were doing this evaluation was that the Sacramento
6 Corporation bought the property. They are interested in
7 doing business with regard to a large corporation to park
8 trucks on the property. And as a result of that, they put
9 well over two feet of clay in 22 with 24 acres of the
10 site, starting from here (indicating), going to here
11 (indicating), and then just stopping here (indicating),
12 and coming all the way back here (indicating).

13 And the reason for that is that they
14 didn't -- they weren't able to buy that from the former
15 Celotex Company, and only this area here (indicating)
16 remains, and that's owned by the Palumbo Corporation.

17 As a result of the effectiveness of the
18 gravel cap, along with the fact that it's compared to the
19 other alternatives, it would only cost this potentially
20 responsible party that the Honeywell, and however they
21 would work it out with Celotex, to install the gravel,
22 would be \$270,000. whereas any of the other ones, even
23 the cheapest one next to that was installation of a
24 permeable asphalt cap for \$5.6 million.

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1 So, that's our recommended alternative to
2 continue the gravel to this area here (indicating), to
3 eliminate any direct contact with contamination, and to
4 allow it for future use. Such as, again, parking trucks
5 on it. They can basically do a whole lot of other things,
6 so long as they don't get any contamination.

7 In terms of the residential neighborhoods,
8 this (indicating) one was the most heavily contaminated as
9 a result of the fact that it's in the major direction in
10 which the wind blows in the City of Chicago, which is to
11 the north, and oftentimes to the east.

12 The homes that are the most heavily
13 contaminated are the ones here (indicating), and then
14 there were to some extent homes that were contaminated
15 here (indicating), but to a lesser extent.

16 We looked at various alternatives for the
17 homes. First being that we looked at most heavily
18 contaminated homes here (indicating) to clean up to 30
19 parts per million. We estimated that would cost

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20 approximately \$58,000, and that would involve
21 approximately two residential properties.
22 We then looked at what it would be to clean
23 up to 20 parts per million, and clean up approximately 15
24 residential homes, which would come to approximately

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1 \$499,000, essentially \$500,000, half a million dollars.
2 Our third alternative was to clean up
3 approximately 32 residential homes. Particularly in this
4 area here (indicating), which is the most heavily
5 contaminated and -- to a cost of \$880,000, essentially
6 \$900,000.
7 And the last alternative we looked at was
8 cleaning up approximately 48 residential homes at a cost
9 of 1.3 million, and that would be to a cleanup of five
10 parts (phonetic) per million. And that's the last
11 alternative we looked at, because as part of this being a
12 very industrial neighborhood, we went to a neighborhood
13 that we thought was somewhat away from the former
14 Sacramento site, and evaluate what would be considered a
15 background concentration in the neighborhood.
16 Sampling for that came up with an average
17 of approximately four parts per million as background.
18 But because of the high statistical variance, in which we
19 had elevated levels such as -- well, in some cases as high
20 as 13 and 15 over the evaluation, it was decided that we
21 would go to five; five being the background concentration.
22 And we looked at it further and -- along

23 with some of the other neighborhoods, and decided because
24 of the basic risks, Superfund, or in this particular case,

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1 the health department look at the risk in terms of
2 exposure to cancer risk.

3 The cancer risk to the background cleanup
4 was essentially five parts per million, and came up with a
5 correlating cancer risk of three parts per million -- or
6 excuse me, three excess (phonetic) cancer risk for
7 \$100,000 in a lifetime (phonetic) -- per 100,000 people in
8 a lifetime, going to 10 parts per million, increased to
9 only six excess cancer risk for 100,000 people in a
10 lifetime, which was not a large statistical increase, but
11 significantly reduced the number of people or homes that
12 had to be remediated, along with the conflict of the fact
13 that some of these homes did have contaminated levels of
14 four and bordering on five.

15 And it was a clear break up in terms of we
16 clean up the 10, we didn't have the problem of trying to
17 figure out just how many homes we were having to clean up
18 in different places because -- just from the way that the
19 neighborhood is so industrial.

20 So our recommendation was to clean up at
21 least 48 homes, particularly in this area here
22 (indicating), and also the sample in this residential area
23 here (indicating), that does have elevated levels of
24 associated leaks close to the property, the Celotex

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1 property, and then to evaluate if they are above 10, we
2 believe that they are clearly associated with the site, we
3 will clean up those homes as well. I think that pretty
4 much covers it. I'd like to take --

5 Did we decide to take questions first, Joe?

6 MR. MUNOZ: Yes, if anyone has any comments or any
7 questions on the proposed plan.

8 ALDERMAN CARDENAS: What does EPA -- what kind of
9 funds do they have to do this?

10 MR. WILLIAMS: At this point in time, since the
11 superfund was expired several years ago, and it's become a
12 strong political issue, we have very little funds to clean
13 this up. As a result, we rely on the potentially
14 responsible parties to come up with the money to implement
15 these cleanups.

16 ALDERMAN CARDENAS: Right now it's owned by Celotex
17 or Honeywell.

18 MR. WILLIAMS: No, Sacramento Corporation.
19 Sacramento Corporation that put the gravel on.

20 ALDERMAN CARDENAS: The Sacramento Corporation is
21 who?

22 MR. WILLIAMS: Sacramento Corporation is an
23 individual that is an independent businessman, bought the
24 property from Celotex for the purposes --

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1 ALDERMAN CARDENAS: As is?

2 MR. WILLIAMS: As is. But --

3 ALDERMAN CARDENAS: Who gets the liability? I mean,
4 is it obvious --

5 MR. WILLIAMS: The liability is typically -- it's
6 almost always associated with the past --

7 ALDERMAN CARDENAS: It's passed down to the --

8 MR. WILLIAMS: -- polluter or through subsequent
9 takeovers and that type of thing.

10 ALDERMAN CARDENAS: So, they sold it -- in this case,
11 Celotex, Honeywell, they sold it to this individual,
12 Palumbo, Inc. The liability is now on Sacramento, Inc.,
13 is it not?

14 MR. WILLIAMS: It can't, because he now becomes an
15 owner of the Superfund. Since we have what's known as
16 deep pockets from Honeywell, and they were originator of
17 the pollution on the site, as well as the residential
18 neighborhoods.

19 ALDERMAN CARDENAS: Okay.

20 MR. WILLIAMS: We will pursue Honeywell, along with
21 Celotex, the owner of the property prior to that. It's --

22 Even though by definition you can become
23 immediately an owner or a potentially responsible party,
24 assuming you buy that, there has been recent development

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1 in Brownsville Development that pretty much precludes the
2 fact that if you are ever being pursued for -- for the
3 fact that you bought it, unless, of course, you bring more
Page 11

4 contamination in the site.

5 ALDERMAN CARDENAS: Yeah, the idea is to clean up the
6 site so that we can have some form of development, whether
7 it be commercial or something else. I would hate to see
8 just trucks, you know, for the next 50 years on the site
9 being parked there.

10 MR. WILLIAMS: I've had discussions with the City
11 about installing a park, and given the circumstances -- or
12 given the situation of putting a large quantity of gravel
13 over it, there is nothing that precludes it from becoming
14 a park.

15 ALDERMAN CARDENAS: Right.

16 MS. SANCHEZ: I just want --

17 MR. MUNOZ: Oh, I am sorry.

18 ALDERMAN CARDENAS: You want to break it down to
19 gray. I mean --

20 MR. WILLIAMS: No, you still want that gravel there.

21 ALDERMAN CARDENAS: It just sits up high and --

22 MR. WILLIAMS: Yeah, but it still wouldn't stop it
23 from being a park. You want to eliminate the direct
24 contact of the contamination. And although I -- the

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1 people argue that -- that, I believe a clay along the top
2 soil would eliminate that. There is no reason to haul all
3 of that gravel on the site, especially if the
4 individual -- the Sacramento Corporation wants to sell it
5 and make a profit.

6 MS. SANCHEZ: I just had a quick question from these
Page 12

7 four options that you have, because I was just seeing that
8 it was restricted to the main site for commercial and
9 industrial use. And I'm assuming that you can later on
10 use it for recreational purposes. And if they are -- say
11 the City would want to buy it for a park or what have you,
12 which would be the best option?

13 MR. WILLIAMS: That is possible. They would just be
14 involved in the institutional controls, that would keep
15 them from doing any kind of major subsurface work. You
16 wouldn't see a pool out there --

17 MS. SANCHEZ: Right.

18 MR. WILLIAMS: -- that's 15 feet deep.

19 MS. SANCHEZ: So, with your recommended options later
20 on if they were to chose to do something recreational,
21 they could?

22 MR. WILLIAMS: Yeah, they would just have certain
23 restrictions in terms of what they were going to do in
24 terms of subsurface construction.

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1 MR. MUNOZ: Can you state your name and your
2 affiliation, so they can --

3 MS. SANCHEZ: Sure. My name is Carina Sanchez, and
4 I'm here from the State representative, Suzanna Mendoza's
5 office.

6 MR. MUNOZ: Can you say your name and --

7 MR. LYKO: My name is Ken Lyko, I'm with Bennett.

8 Are you saying that the owner, Sacramento
9 Corporation, bought this property from Celotex and

10 Honeywell knowing that a contamination was present at this
11 facility?

12 MR. WILLIAMS: That is correct.

13 MR. LYKO: Isn't in retro (phonetic) that if gravel
14 comes in contact with the contamination, isn't that
15 assumed to be contaminated at that point? The gravel that
16 he laid on top of the contaminated soil already, like
17 contact rule?

18 MR. WILLIAMS: There is no such thing as related
19 contaminant rule or a contact rule.

20 There are four things that will determine
21 whether or not it is hazardous material. If it doesn't
22 meet the, what's known as the TCFT (phonetic) tests, in
23 other words to evaluate and determine whether or not it is
24 still leaking or not contaminated material. If it doesn't

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1 passed that test, then it becomes a hazardous or a solid
2 waste material. And the other things are corrosivity,
3 explosivity (sic) and -- there is a fourth one. But the
4 biggest thing would be whether or not they would test it
5 and see if it met those criteria.

6 One of the things --

7 MR. LYKO: I guess what I was referring to is, if you
8 had a known hazardous waste, let's say a pile of
9 contaminated soil, and you mix another pile of soil that's
10 not contaminated with that, by rule that becomes hazardous
11 at that point in time, does it not?

12 MR. WILLIAMS: No, it still has criteria that has to
Page 14

13 be met. And the thing is that there is -- there was a
14 situation that caused a lot of consummation by the
15 community in which Celotex bought film material onto the
16 site, so that there wouldn't be any direct contact with
17 the contamination, as much as a couple of feet.

18 And the contour (phonetic) -- but the
19 contour causes a major flooding problem in the entire
20 neighborhood much to their -- amazingly indifference to
21 the community, which infuriates me. But as a result that
22 material was eventually graded, and to my knowledge it has
23 never come in contact with this new gravel that's been
24 placed on the site -- I mean, the old contamination.

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1 MR. LYKO: So, the new owner, basically, purchased
2 the property knowing he would be on the hook for any
3 remediation costs, which could be the remediation project,
4 which happened to have be their own facility, under the
5 Brownsville regulations?

6 MR. WILLIAMS: That is what was worked with regional
7 counsel and with his attorneys to see that we would not
8 pursue them. At least the one potentially responsible
9 party with a rather deep pocket and that was not really
10 disputing their responsibility, we were not going to
11 pursue him.

12 MR. LYKO: What is Honeywell's position regarding
13 costs associated with the cleanup? I mean, you've
14 obviously contacted them already?

15 MR. WILLIAMS: Oh, yeah.
Page 15

16 MR. LYKO: He agreed to this plan and the principal
17 at this point in time?

18 MR. WILLIAMS: I have yet to see, there were comments
19 on this. But there were a lot of discussions that went on
20 and I have no reason to think that -- anything other than
21 what he proposed here tonight, that they rejected.

22 MR. MUNOZ: Does anybody else got any questions or
23 any comments? All right -- I'm sorry, you had one?

24 ALDERMAN CARDENAS: Yeah. I keep going back to this

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1 thing in terms of the options that we have, like, you
2 know, there are four options. What do you propose?

3 I mean, what is your personal --

4 MR. WILLIAMS: Well, again, I --

5 ALDERMAN CARDENAS: -- as a professional, what would
6 you say, do we do No. 2 or do No. 1? I mean, obviously I
7 would like to have this thing cleaned up, to be honest
8 with you. If it cost \$5.6 million, the party should pay
9 for the cleanup.

10 MR. WILLIAMS: But that's not what the cleanup option
11 is. The cleanup option is well over \$50 million to get
12 rid of just the hot spots. The contamination goes well to
13 20, 30 feet as a result of this ongoing operation to make
14 roofing materials, and they started, I believe, in the
15 year of 1906 or 1910.

16 MR. MUNOZ: 1918 until 1982 they were operating.

17 MR. WILLIAMS: Those practices back then were not
18 something that would be any kind of acceptable loads

19 (phonetic) at this point in time. And to clean it's --
 20 Based on the criteria as a professional
 21 representing the United States Environmental Protection
 22 Agency, the gravel is by far the most cost-effective
 23 alternative, because it's highly effective in eliminating
 24 any direct contact with the local residents. If you can't

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1 come in contact with it, it can't cause you any harm.
 2 ALDERMAN CARDENAS: Is EPA stance of such
 3 circumstances, such acts are just -- are going to
 4 just -- are not going to be pursued -- are not -- you
 5 know, they are not going to pursue the parties for this
 6 cost of clean up, in this case, the big corporation
 7 Honeywell, is that -- they've given up on that?
 8 MR. MUNOZ: Yes.
 9 MR. WILLIAMS: Yeah, they would clearly be pursued as
 10 part of this cost to come up with this clean up.
 11 MR. MUNOZ: They have been very proactive because
 12 everything has been negotiated. They have been very
 13 proactive in -- to let's go ahead and get it cleaned, you
 14 know.
 15 ALDERMAN CARDENAS: You mean the corporation and the
 16 responsible parties?
 17 MR. MUNOZ: Yeah, one of the responsible parties,
 18 which comes out to be Honeywell are the ones that have
 19 been proactive.
 20 ALDERMAN CARDENAS: They have --
 21 MR. MUNOZ: with the negotiations they have agreed to

22 actually do the clean up that we are proposing. we still
23 haven't heard the official comments from this proposed
24 plan. But it's our understanding that because of their

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1 actions, there is no showing that they will have any
2 problems or --

3 ALDERMAN CARDENAS: But they want to do the minimum
4 thing, I am sure. They are not going to say, go ahead
5 and, you know, clean it up, you know, do what you can and
6 I will spend 50 million down the line.

7 MR. WILLIAMS: It's not up to them. Again, this was
8 a very strange situation in which an independent
9 individual came out and brought all of this gravel on the
10 site, it is highly effective in terms of the capping
11 mechanism, and agreed to pay for it. Even though it comes
12 down to some \$370,000, the actual construction of that
13 gravel was well in the millions of dollars.

14 MR. MUNOZ: Yeah, this follows the Superfund law,
15 basically, which follow all throughout the country, the
16 EPA is all over the country, which is any clean up of any
17 type needs to fit nine criteria levels that we have.

18 MR. WILLIAMS: Of the three criteria group for the
19 same --

20 MR. MUNOZ: Or three, right, exactly. You're, right.
21 So it's three. So it fits under the standards that we
22 have. And that is why we're recommending this particular
23 one.

24 MR. WILLIAMS: But one of the reasons we are here is,
Page 18

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1 if you object to that alternative. You're welcome to make
2 a written comment.

3 ALDERMAN CARDENAS: Absolutely, this is to cover deep
4 pockets. This is a community that they could have this
5 thing cleaned up, and they could really use it for
6 something worthwhile. If we just do this, you know, we
7 can have trucks on top of it, and maybe a park, and that's
8 it.

9 MR. WILLIAMS: You can still possibly have a park.
10 It's -- you can look at it in terms of that option.

11 ALDERMAN CARDENAS: What is the -- the determination,
12 what is the -- is it half life, what are you guys -- I'm
13 going back to my chemistry days in, you know, high school.
14 What are we talking in number of years from a
15 contamination standpoint? What is the shelf life of this
16 thing?

17 MR. WILLIAMS: Benzopyrene is -- and other
18 polynuclear aromatic hydrocarbons it basically lasts for
19 an indefinite period of time. This is a very difficult
20 chemical to break down.

21 ALDERMAN CARDENAS: Hence the clean up, yeah, my
22 comments would be that if we can get this thing cleaned up
23 and if it's going to cost 50 million, you know, hey, this
24 community needs something positive for future generations,

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1 and not just, you know, put gravel on it and forget about
2 it.

3 MR. WILLIAMS: Well, that's a good point and that
4 situation rose up in Oak Park, if you're familiar with
5 Berrie Park, in which they literally disrupted the
6 community for years.

7 MR. MUNOZ: Yeah, this is a plan that it's -- not
8 only this public portion of the plan, but also it's become
9 available to the City, Environmental, Cook County, and the
10 State, as well, and even the Department of Planning show
11 an interest because they want a commercial development or
12 something else.

13 The main purpose of EPA is to clean up the
14 site and then try to make it available to the responsible,
15 either the government or whomever wants to develop to do
16 whatever they want to do.

17 MR. WILLIAMS: Right. Furthermore, it doesn't
18 preclude the fact that a park can be built there.

19 MR. LYKO: Didn't Commonwealth Edison in reference to
20 your Berrie Park -- I mean, they literally shipped off
21 50,000 plus tons of contaminated soil from that project on
22 that old manufactured gas plant.

23 MR. WILLIAMS: They built a dome.

24 MR. LYKO: Right.

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1 MR. WILLIAMS: And they actually told the entire law

2 enforcement and the entire community that they just had to
3 need (phonetic) it for years.

4 MR. LYKO: Yeah. I don't think they left for years.
5 But nonetheless, they spent a lot of money removing the
6 contaminated soil from that park --

7 MR. WILLIAMS: I think that one of the --

8 MR. LYKO: 20, 30 feet deep.

9 MR. WILLIAMS: Yeah, 20 or 30 feet deep. Again, with
10 a cap on top of it, and I think in part some of that,
11 along with the way that this worked out, that since this
12 individual has just not capped this (indicating) area
13 here, all you have to do is cap it. And you're
14 not -- there is nothing -- there is no reason why you
15 can't build a factory on that property. There is no
16 reason why you can't put a park on that property. There
17 is no reason why you can't do a lot of things with that
18 property.

19 MS. SANCHEZ: Can I just ask, what is the usual time
20 frame for each of these options?

21 Like, I'm assuming the gravel versus
22 putting anything else. Like if, you know, we would agree
23 that this clean up for the whole entire area cost over \$30
24 million, but that's agreed upon, how long would it take

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1 for them to just clean up the area?

2 Are we talking a matter of months, years?

3 And what would be the -- how would the residents be

4 affected down the road?

5 MR. WILLIAMS: Certainly in the case of Berrie Park,
6 it was argued that because of the emissions (phonetic)
7 that would occur as a result of a large excavation that
8 was going as deep as 20 feet, that they had to build a
9 bubble over the excavation. It had to be constantly
10 monitored. Again, the local residents were asked to
11 leave. There was a continuous amount of disruption.

12 MS. SANCHEZ: How about -- the question is like when
13 it would rain or any of this sort, would the residents be
14 impacted, like flooding or anything like that, while they
15 are excavating?

16 MR. WILLIAMS: That would be something that would
17 have to be worked out to make sure that that doesn't
18 happen.

19 One of the biggest differences between
20 Berrie Park, though, in Oak Park is that it's basically a
21 pristine neighborhood. The background concentrations, you
22 know, in Oak Park were basically approaching .3 parts per
23 million in zero. whereas this neighborhood already, as a
24 result of its heavily industrialized nature, the fact that

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1 it's next to I-55, has not .3, but five parts per million
2 of these benzopyrene equivalence (phonetic).

3 So, when you say -- even if you did clean
4 it up, it really wouldn't be appropriate to clean up
5 anything more than five parts per million, because that's
6 known as background --

7 ALDERMAN CARDENAS: why doesn't, in this case,

8 Honeywell if they are responsible for cleaning it up, why
9 don't they bear the cost of making it into a park for the
10 community, if that's the case?

11 I certainly cannot accept, you know,
12 No. 2 -- No. 1, No. 2, even to some extent No. 3. I mean,
13 just to say that we do the minimal, just because we think
14 they can build a park, they are responsible for this
15 contamination, and they ought to be responsible for
16 putting forth a solution, which means that are you going
17 to clean it up or convert it to something useful for this
18 community?

19 MR. WILLIAMS: well, again, parking trucks according
20 to the individual who bought it, was -- is profit to him.
21 I mean, he's the one that owns the property.

22 Honeywell, could not come in and
23 necessarily, unless they bought the property after the
24 fact, turn it into a park unless --

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26

1 ALDERMAN CARDENAS: why can't we secure the
2 funds -- let's say they are responsible, you know, we -- I
3 believe we should clean it up. I believe if you
4 just -- you talk to Honeywell, "I think you should clean
5 it up." And Honeywell says, "okay" -- let's say the best
6 case scenario, "You know, you're right," what are we
7 talking about --

8 MR. WILLIAMS: would they have to buy the property --

9 ALDERMAN CARDENAS: -- 25 million or what -- what am
10 I going to write you a check for, just to be rid of this

11 potential liability.

12 MR. WILLIAMS: They have to buy property first,
13 because doing anything -- let's say, for example, the
14 EPA --

15 ALDERMAN CARDENAS: No, I understand. Forget about
16 buying the property. Let's just get to the liability
17 aspects of having -- they used to own the property, it's
18 contaminated now, even though somebody owns it now, okay.
19 This is part of the litigation that went on for many
20 years, it's still running, is it not?

21 MR. WILLIAMS: It's litigation --

22 ALDERMAN CARDENAS: Some of these parties were for
23 the large -- the contaminated places, this is what the
24 Superfund was about, wasn't it?

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27

1 MR. WILLIAMS: Yeah, but we are currently not
2 involved in litigation between Honeywell and Celotex
3 (phonetic), because they've agreed to be proactive and
4 evaluate this. And I guess what --

5 ALDERMAN CARDENAS: What's proactive to you?

6 MR. WILLIAMS: They've always agreed to show -- to
7 meet with us to discuss doing an engineering evaluation
8 cost analysis.

9 ALDERMAN CARDENAS: Right.

10 MR. WILLIAMS: They've never disputed the fact that
11 they would take the responsibility for what they believe
12 is the cost-effective remedy, and that's part of the thing
13 the Superfund entails, in which we look at these

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14 alternatives from three different points of view.
15 Cost is a major factor. So is the
16 effectiveness and whether or not it can be implemented.
17 This alternative for putting gravel on there met all three
18 criteria very effectively, especially given the fact that
19 the gentleman came out and bought the property and put
20 gravel on 22 to 24 acres (phonetic).

21 ALDERMAN CARDENAS: You're not telling us anything
22 new then. I mean, then why are we here?

23 MR. MUNOZ: Because there is not only that part that
24 is being proposed to finish the 90 percent right here on

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28

1 the site, which is completed with these two in replacing
2 it with the gravel.

3 This (indicating) area is residential, and
4 this (indicating) area is residential, so this
5 (indicating) one is going to be finished at cleanup and we
6 are going to do some testing over here as well to make
7 sure that -- this is --

8 You asked about Honeywell, you see how
9 proactive they are? We had -- we had asked them to go
10 ahead and to do so, to do selective ones just to make sure
11 they --

12 ALDERMAN CARDENAS: Are they paying for the testing?

13 MR. MUNOZ: Yes.

14 MR. WILLIAMS: Yes.

15 ALDERMAN CARDENAS: So, EPA does the testing and they
16 pay for it?

17 MR. MUNOZ: We supervise it. EPA supervises --
18 ALDERMAN CARDENAS: They hire some outside people to
19 do it?
20 MR. WILLIAMS: Right.
21 MR. MUNOZ: They have owners that test it, and they
22 have a contractor that comes in and does that. EPA
23 supervises the whole process, and also the results for the
24 show (phonetic) with the owner.

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29

1 ALDERMAN CARDENAS: So, you supervise and you find
2 out -- we know it's contaminated, but you find out and you
3 say, you know what you confirm what we suspect, this is
4 highly contaminated. So, you come up with and you say,
5 "Yeah, it is contaminated."
6 MR. WILLIAMS: Okay.
7 ALDERMAN CARDENAS: After we agree -- and you agree
8 and EPA says it is contaminated, so now what?
9 MR. MUNOZ: Now we need to clean it up.
10 ALDERMAN CARDENAS: Okay, so who is going to clean it
11 up?
12 MR. WILLIAMS: Honeywell will hire contractors after
13 we reach an agreement with them, basically following
14 mechanism there will be an administrator or their own, in
15 which they will have responsibility, and we will then
16 utilize that document as an enforcement tool to make sure
17 that they clean up everything that's required.
18 ALDERMAN CARDENAS: You will recommend the least cost
19 solution?

20 MR. WILLIAMS: It's not the least. There is a
21 combination of different things. Here is what -- I mean,
22 I can see where you're coming from and I understand your
23 position.

24 Here is what happened: When you have all

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1 of the criterias -- first, we will look at what the
2 contaminants are, and then we will look at the
3 alternatives of how to clean up it, all right.

4 Now here is the -- what is the main thing
5 that EPA wants to do, which is to eliminate immediate
6 threat to life environmentally.

7 ALDERMAN CARDENAS: And safety, okay,

8 MR. MUNOZ: And safety, all right.

9 Now when we do that, then we'll look at the
10 cost of what it would cost to do that. So, you can
11 put -- if you want, you can put 20 feet of gold on top of
12 that, and that will probably contain the contamination.
13 But you can very well do that the same with gravel and
14 clay, and do the same thing like at minor cost, and you're
15 achieving exactly the same goal.

16 Now, that's the -- and we're finished with
17 90 percent of this. Now we're going to go to this
18 (indicating) one.

19 Now this, and I am going to take advantage
20 of your asking this question, this is a long process
21 because of the following reasons: we can't just go ahead
22 and open the door and say, "Hey, we are going to this test

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23 this thing, this is gone." We need to gain access to
24 this, what we get from the actual owner, we get the rent

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31

1 from the actual owner.

2 So, we need to do some front and back to
3 find out who it is. And that's just for the testing. And
4 after say it comes out positive or above what the
5 standards that need to be required, then we need to get,
6 again, access to actually do the clean up again.

7 So, it takes a while to go out and do that,
8 just the process. And I think this would be something
9 that hopefully will work as close as we can, and we often
10 try to gain access to this (indicating) folks in here, so
11 we can get the access to get them tested and get this
12 probably clean up and bring them to the standardization.

13 MS. SANCHEZ: Can I ask a question: Have you had
14 this past experience where similar situation -- I'm just
15 wondering, you do have access -- because we were talking
16 before about the contamination, and what have you, you did
17 inform us where the houses are, they are fine. What would
18 be tested is like the backyard or any area where there is
19 soil exposed.

20 If it is contaminated, what would be the
21 clean up? I mean, are you going to just put cement over
22 it, gravel or do these people lose their backyard and just
23 have cement covering or do they get different options?

24 MR. WILLIAMS: Well, if it was soil, we would dig

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1 up -- excavate the parts that can be put down and then
2 backfill (sic) -- clean the plane field and then sod it.

3 MS. SANCHEZ: And, again, no cost to the owners?

4 MR. WILLIAMS: No, we don't even want to -- we would
5 like to do it in a day or a couple of days.

6 MS. SANCHEZ: Okay.

7 MR. WILLIAMS: We would like to do it very quickly,
8 so he is not inconvenienced and has to leave his home.

9 MR. LYKO: What is the contingency for the
10 residential area? You mentioned they are going to remove
11 that soil and take it to an EPA approved landfill, what's
12 the contingency if the benzopyrene levels are high enough
13 to the point where the landfill can't except that, is
14 there thermal (phonetic) treatment options you're
15 considering for that as well?

16 MR. WILLIAMS: Oh, you can go to a hazardous waste
17 dump.

18 MR. LYKO: Right. Hazardous waste landfills can't
19 take everything.

20 MR. WILLIAMS: It's very few things that I've
21 experienced that hazardous landfills can't take or if
22 they -- oftentimes they have types of equipment that will
23 eliminate it. But for the most part, in terms of
24 contamination, we've experienced here, unless you're

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1 talking about contamination, that is, perhaps on the
2 property itself, the main site, which we don't expect it
3 to be, that could cause a problem. But not certainly in a
4 residential area, there -- that contamination is
5 definitely solid.

6 MR. LYKO: So thermally treating the soil hasn't been
7 considered if you hit a hot spot that would not allow it
8 to go to an immediate landfill?

9 MR. WILLIAMS: The amount of testing we have done
10 clearly shows that we don't have any contaminations, other
11 than on the main property that would cause any kind of
12 concern.

13 MR. MUNOZ: Any other comments from anybody,
14 questions?

15 ALDERMAN CARDENAS: Has anyone else reviewed your
16 proposals?

17 MR. MUNOZ: This proposal came out about a month ago.
18 October -- it was sent out October 2nd. It was sent out
19 to the City, to the County, to the State.

20 ALDERMAN CARDENAS: You have not received any
21 comments from the different environments?

22 MR. MUNOZ: Before I left my office, I had not heard
23 neither e-mail or anything else. You know, by law we
24 advertised this in the Sun-Times, with the State Clerk's

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1 office, we sent about 1700 pieces of mail on this. And
2 with did this public hearing --

3 ALDERMAN CARDENAS: So, you do No. 2, and on the
Page 30

4 residents area you do No. 3, and then after you're done
5 with that, you go back to it and review the -- those
6 options, what's -- what's the review process?

7 MR. MUNOZ: After everything comes out, as we keep
8 our fingers cross and everything comes out, after the
9 process that doesn't mean that we just disappear and we
10 are out. Every five years for the next -- how long is
11 that we do the five-year review?

12 MR. WILLIAMS: Typically five-year reviews are not
13 statutory for a site such as this, because they are not
14 known as national priority sites. But oftentimes it's
15 part of an agreement that we have with the potentially
16 responsible party. We --

17 Typically we conclude, at the least as the
18 single five-year review to see how this is worked out in
19 terms of its protectiveness and whether or not it's still
20 within applicable laws.

21 ALDERMAN CARDENAS: The final question is this: Do
22 you see No. 2 as being reasonable to Honeywell?

23 MR. WILLIAMS: No.

24 ALDERMAN CARDENAS: Meaning?

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35

1 MR. WILLIAMS: No, it's intended because the people
2 are involved, US EPA has a position that we make the
3 decisions. They oftentimes will just comment on these
4 things, and we don't necessarily have -- we don't have to
5 accept their comments. We are not obligated to take their
6 comments to prepare for this.

7 ALDERMAN CARDENAS: The reason I say this is
8 because -- I mean, No. 2 is pretty reasonable.

9 If I was them, if I was Honeywell, I'd say,
10 you know, is this what the cost is going to be, that's not
11 bad.

12 MR. WILLIAMS: Yeah. Unfortunately --

13 MR. LYKO: Absolutely, they would jump all over that.

14 MR. WILLIAMS: The thing is if I can recall, it was a
15 multi-million dollar cost, had it not been for the fact
16 that Sacramento Corporation intervened and put this gravel
17 on here.

18 ALDERMAN CARDENAS: Yeah, I'm still unsatisfied about
19 the whole thing. I guess, just in my mind I'm thinking,
20 you know, they have a contingent liability as a
21 corporation -- I am thinking of it as a business,
22 personally. And you know if I was -- I got to put in my
23 book that is a contingent liability, and I don't know what
24 that's going to be, because I don't know where this thing,

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36

1 you know, how it's going to go.

2 You offer me No. 2, you know, where do I
3 sign. If you give me this, that's it, I'm done. I did
4 enough. I did everything you told me, and that's it, I'm
5 finished. But I don't think enough has been done here.
6 In my opinion this is not -- it's not nearly enough. Some
7 of the things that can be done at the site.

8 Or you may think that, you know, for the
9 purpose of the usefulness of this facility or this land,

10 you know, there is not much you can do, even if you dug 25
11 feet. Well, I don't know that.

12 MR. WILLIAMS: Yeah, and basically it would probably
13 become a park again.

14 ALDERMAN CARDENAS: And the reason I am saying this
15 is because, from a cost benefit standpoint I would say to
16 you that we could probably have a bigger benefit if we
17 would clean up the site and use it for -- in terms of any
18 kind of development for future generations. I mean, the
19 amount of money that we spent today, you know, it would
20 come back tenfold. I mean, you're saying --

21 MR. WILLIAMS: But nothing precludes that --

22 MR. MUNOZ: Right, exactly, that's what he was
23 saying. Nothing precludes this cleanup plan for this to
24 be a park or to be, again, an industrial --

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37

1 ALDERMAN CARDENAS: No other corporation is going to
2 come in knowing it's contaminated.

3 MR. LYKO: Well nobody is going to build a foundation
4 if they know that there is contamination three feet below
5 this gravel --

6 ALDERMAN CARDENAS: Right, that's what I am saying.

7 MR. LYKO: -- this guy put on there parking the
8 trucks.

9 ALDERMAN CARDENAS: Why didn't FedEx build the
10 facility, why didn't they do that?

11 MR. WILLIAMS: Their business went bad.

12 ALDERMAN CARDENAS: That was the reason?

13 MR. WILLIAMS: Yeah, they really wanted a hub out
14 there, and they found it extremely conducive to business,
15 but all of a sudden that became very competitive that
16 business, FedEx. I believe there is other companies that
17 entered into the business. I believe it's DHL. And my
18 understanding is --

19 ALDERMAN CARDENAS: I've been there, it's DHL, there
20 is brown -- UPS.

21 MR. WILLIAMS: UPS.

22 ALDERMAN CARDENAS: I take his point. I mean,
23 somebody who is building a structure they would have to
24 have a foundation, they have to dig.

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38

1 MR. WILLIAMS: No, you just build on floating slabs.
2 You can build a lot things. There are a lot of ways with
3 floating slabs.

4 ALDERMAN CARDENAS: Well, okay our comments -- I need
5 to -- we'll get a couple more opinions from the City,
6 probably the environment, and also from the City's
7 standpoint in terms of this land; what's the solution?

8 I think that if -- you know, if it's true
9 what you're saying, and we can attract somebody to be, you
10 know -- you have business operate out of that site, then
11 obviously you can sign on to this then.

12 Unless that happens, I just don't see you
13 let Honeywell off the hook with not even \$350,000.

14 MR. WILLIAMS: Okay.

15 MR. MUNOZ: Just the official start of the -- if you
Page 34

16 look at the agenda, you started at the public hearing
17 portion of it. So, we were answering questions, and now
18 that you have pretty much submitted a comment, correct,
19 which is the one we just finished?

20 ALDERMAN CARDENAS: Yes.

21 MR. MUNOZ: So, that puts us officially into the
22 public hearing portion of it. Is there anybody else that
23 has got any comments they would like to submit orally?

24 You still got until November 26th to get it

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1 to us. But since you're here, is there anybody else that
2 would like to say anything else on that, any comments?

3 MS. SANCHEZ: I guess just from my standpoint over
4 here, I just wanted to know -- make sure that this plan
5 will not be limited, based on this contamination, to be
6 used for any future purposes, whether it be, obviously for
7 industrial purposes and for recreation, and that sort of
8 thing.

9 MR. WILLIAMS: So long as they didn't breach the
10 subsurface gravel or through the gravel.

11 MS. SANCHEZ: So, everything is going to have to be
12 built on top?

13 MR. WILLIAMS: Yes.

14 MR. MUNOZ: You got her name, right?

15 MS. SANCHEZ: Carina Sanchez, C-a-r-i-n-a.

16 MR. MUNOZ: Anybody else?

17 MR. WILLIAMS: That's it.

18 MR. MUNOZ: All right, well, if there are no more

19 comments from anybody here present at the meeting, then I
20 have to determine that all comments have been taken from
21 all of those present, and I declare that the hearing is
22 adjourned at 8:06 p.m. Thank you.

23 (Whereupon, at 8:06 p.m., the
24 proceedings ceased.)

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